

**BEDFORD PLANNING BOARD**  
**Selectmen's Meeting Room**  
**Regular Session Minutes**  
**March 3, 2015**

MEMBERS PRESENT: Shawn Hanegan, Chair; Amy Lloyd, Clerk; Jeffrey Cohen; Sandra Hackman; Lisa Mustapich

MEMBERS ABSENT: None

STAFF PRESENT: Glenn Garber, Planning Director; Catherine Perry, Assistant Planner; Kim Siebert, Acting Recording Secretary

STAFF ABSENT: Cathy Silvestrone, Planning Administrative Assistant

OTHERS PRESENT: Mark Siegenthaler, Selectman.

Mr. Hanegan called the meeting to order at 7:30 PM.

**Emergency Evacuation notice** read by Ms. Lloyd, Clerk.

*Note: All meeting submittals are available for review in the Planning Office.*

**OLD BUSINESS:** Discussion of draft—Bedford Planning Board proposed Transportation Demand Management [TDM] Regulation

Director Garber introduced the draft by saying his goal was “to create a more robust and more fleshed out approach” to TDM. “After looking at some requirements in other communities, some are not mandatory but strongly encouraged, some are a bylaw and mandatory, but the basic approach is that any employer or business subject to our regulatory processes has to join one or more of the Transportation Management Associations (TMAs).” It was noted that in Bedford, two are now TMAs available: Middlesex 3 and the Route 128 Business Council.

However, the proposed regulation includes a variety of options. One— subsidizing an existing shuttle service— is “of equal weight to joining a TMA,” Mr. Garber said. “If you contribute financially to cover the cost of your employees using the shuttle service you’ll be in compliance.”

Employers could also offer a range of different techniques or incentives—like subsidized T passes, guaranteed ride home reimbursements, preferred parking for ride share vehicles, bike racks and on-site showers—that work to decrease single-occupancy vehicle trips.

Determining what would trigger TDM requirement was tricky, Mr. Garber said. “We tried mightily to see if the number of employees would work as a trigger but that approach hits a stone wall. For example, suppose—as we’ve had in many instances—that an existing business comes in to expand in a site plan review but it’s only one user on a campus of a multi-tenant property. How do you judge their employment level? They may have 20 employees but the complex has 600.” Also, obtaining accurate information on employment numbers can be difficult.

Instead, on a discretionary, case-by-case basis, the Planning Board would require a TDM plan for any new or existing businesses in one of the three mixed use overlay districts if the gross floor area of the project is in excess of 75,000 sq.ft. A second trigger would be all Industrial Mixed Use (IMU) projects, and a third would be site plan review projects for expansion of floorspace by 20,000 sq. ft. or a 25% increase in onsite parking. TDM would be a condition of the mixed-use special permit or site plan approval.

To arrive at the 75,000 sq. ft. threshold, Mr. Garber and Ms. Perry looked at existing developments, realizing it would be “nonsensical” to require TDMs for mixed use projects on a scale comparable to that of the Blake Block and Loomis St sites.

In relation to the 25% parking increase threshold, Mr. Garber explained: “I think there is no question that there is a market trend toward employee consolidation, closing facilities, higher employee density. They’re packing buildings a lot more and that inevitably leads to a request to expand parking—even though we don’t want to encourage too much impervious surface.”

The exercise of creating the new TDM draft served to underscore why older TDM bylaws did not function well. “They didn’t deal with setting thresholds so the TDM applies to everything and everybody,” Mr. Garber added. “We tried to go one better and actually have a fair threshold based, to some degree, on data.”

Questions from the Board: Ms. Hackman asked if, in the case of business expansion, the TDM requirement would apply to the whole site, not just to the expanded portion. Mr. Garber said by law, under site plan review, you couldn’t require it for the whole site. On the other hand, it would apply under a special permit or an IMU permit “because it’s really a unified development under the permit to the whole project.” There is hope, however, that the existing part of the business would naturally tie-in to the TDM. Ms. Hackman asked whether the business or the site owner would be the entity required to have TDM. Mr. Garber said it was complicated and welcomed suggestions for how to clarify this.

Ms. Lloyd asked whether there would be a time stipulation for a business that added parking incrementally but no single addition met the 25% trigger point. Mr. Garber said he didn’t expect any business to add parking, then add more later, just to try to get around the TDM requirement, since doing so would increase their costs. “The minimum [requirement] is to join a TMA and that is not a huge thing,” Mr. Garber said.

Ms. Lloyd asked about a hypothetical case of a 75,000 sq. ft. mixed-use proposal in the Depot overlay that included residential, retail, and business. “How do we compute that? Residential is not pulled out as exempt. Is the retail pulled out?” Mr. Garber said the impact generated by the residents at commuting times would be significant. Adding the business employee commutes and the retail ebb and flow, “you would have a figure out the total impact. Maybe you’d have a lesser requirement—like joining a TMA.”

Ms. Perry wondered if the requirement should be narrowed to exclude residential sq. footage from the threshold for mixed use projects. Mr. Garber said he was alright with taking it out. Ms. Lloyd said she is not opposed to leaving it in, she merely is unsure how the TDM would be implemented in such a case. Mr. Garber said the responsible party would have to be “a legal entity of standing”. He added, “It happens all the time in Boston. It’s routine. But we’re getting into new territory here for Bedford.”

Ms. Lloyd said exempt users according to the draft—such as retail and restaurants—would be a significant portion of the square footage in a mixed-use development. Mr. Garber said this particular set of exempt uses was a contribution of Ms. Sandoval, the Town’s Economic Development Officer. He pointed out that these types of business would be exempt as stand-alone enterprises but could be part of a TDM calculus if within a mixed-use setting.

Mr. Cohen said there will be loopholes in the regulation that will only be discovered after implementation. He added that it would be unrealistic to expect restaurants to apply transportation demand management to their patrons. Ms. Hackman, on the other hand, said that employees of restaurant and retail would benefit from transportation services. She noted that MAGIC, a subdivision of the Metropolitan Area Planning Commission, envisions retail districts “where everyone would band together and provide TDM for their employees...It’s really a huge burden for employees to get to the suburbs if they don’t live there.”

Ms. Mustapich asked what other towns had TDM policies. Mr. Garber said that he looked at policies in Andover, North Andover, Lawrence, Boston, Cambridge, Framingham, Marlboro, Lexington, Norwood, Waltham, Wellesley, Westwood, Wilmington, and Woburn. Burlington has a TDM bylaw but Mr. Garber said “it doesn’t make distinctions about who it applies to.”

Ms. Mustapich asked, if the TDM policy was approved, “would the Town lead by example and be in the forefront of this?” Ms. Hackman said Town Manager Reed envisions the Town joining a TMA, but he did not specify whether it would be first.

Mr. Cohen asked what the response has been of the business community in the towns that have TDM policies. “How vibrant is it? Is it being used extensively? Are businesses embracing it or steering clear of it?” Mr. Garber replied that he does not know of a study that would answer these questions. He said the person running the new Middlesex 3 TMA reports that success is incremental. “Some companies or campuses enthusiastically sign up, they subsidize shuttles, but the evidence is anecdotal and fragmented.”

Ms. Mustapich asked what metrics would be used to define success. Mr. Garber said the policy is “a mechanism to put TDM into the regulatory process. There are reporting requirements for the participants to submit data to several Town departments every two years, for compilation.”

Mr. Cohen said that the data shows through-traffic as the largest traffic factor in Bedford, rather than Bedford being the destination. However, this may change as the Planning Board starts to consider increasing the height limits of buildings in the industrial districts. “The policy will need to be in place for us to address the concerns about increases in traffic,” Mr. Cohen said.

Ms. Mustapich pointed out that TDM concepts have twice failed to pass Town Meeting. Ms. Hackman said that the first two attempts were changes to the bylaws; this would, instead, be structured as a regulation. Previously, Town Meeting rejected the mandate that businesses reduce their single occupancy vehicle trips by 20% or pay a penalty. Ms. Hackman said, “This to me is different. We’re not setting the same kind of standard.” She later added that another critical difference between earlier attempts and this attempt was that there were no TMAs at the time whereas now there are at least two. “Bedford was going to ask businesses to do it on their own which is virtually impossible and which is why those other stand-

alone TDM measures in other towns have not worked out. There was no access to a TMA; now we have two.”

Ms. Perry said it had been difficult to get detailed data about commuting patterns for the Comprehensive Plan, but there is solid information about the number of jobs vs. the number of resident workers and also about how many residents also work in town. “It was clear that a lot of the traffic is being generated by people coming to jobs in Bedford.” Ms. Lloyd agreed that the differential between the daytime and nighttime population numbers is significant.

The majority of members felt that the policy would be best implemented as a regulation rather than a bylaw. Mr. Cohen applauded an excellent first draft and added that he did not want the effort to languish before being finalized because concerns will arise about increased traffic commuting to and from the industrial districts. “I’d like to keep moving forward with it,” he said.

Ms. Lloyd agreed but added she is “actively opposed” to making this a bylaw. “We’re blazing some new ground so at some point we have to throw some reasonable mud against the wall and give it a try. It certainly doesn’t preclude us from reassessing [later]. I have every expectation that we’ll do that.”

Mr. Hanegan concurred and said he’d like to see a second draft addressing the Board’s comments so that the initiative can move ahead with alacrity.

Ms. Mustapich praised the draft but said she “would like to see an added paragraph on measuring successes... and what that definition is going to be.” She said she is not opposed to making it a bylaw but also isn’t entirely comfortable with the idea that Bedford might regulating something that a competing town does not require. “Until we get a better sense of the will of the voters, I prefer it to be something that is recommended or encouraged, as opposed to regulated.”

Ms. Hackman said a regulation is easier to tweak than the bylaw that it might someday— after revision— become. She believes that the other Middlesex 3 towns will share their policies and implementation lessons. “To make it work, we have to have critical mass because that critical mass is what will make it work... This is the time to launch this... Bedford is a significant employment destination”. She noted that businesses can deduct the TDM costs on their federal taxes.

Ms. Lloyd asked whether a specific reporting date would help the Board understand how the TDM regulation was working. If the information all comes in at the same time, “it’s easy to check off to make sure that everybody’s complying and to see what the performance is.” Mr. Garber cautioned that some applicants will phase in gradually and won’t reach full operating level for some time. Ms. Mustapich said she thinks Ms. Lloyd’s suggestion is a sound one that would “begin to provide a baseline.”

Ms. Hackman said that two separate-but-related things are being discussed: the regulation itself and the assessment framework. The regulation itself would not include the assessment but the reporting requirement *within* the regulation would provide part of the assessment data.

Mr. Garber agreed that the two topics were separate. He asked for guidance on how often reporting should be required, adding that Ms. Sandoval recommended a two-year loop rather than the originally envisioned one-year time frame because one year would be “a bureaucratic nuisance that would be ignored” and therefore not yield good data.

Ms. Mustapich said Ms. Sandoval's advice seemed sound.

It was agreed that Mr. Garber will make some adjustments to the draft based on the preceding discussion and the Board will review the document again. Once the regulation is in force, the Board will review its success periodically.

Selectman Siegenthaler asked that the next draft of the policy be forwarded to the Selectmen. He added that it would be beneficial to discuss and understand the authority by which the Planning Board could adopt such a generalized regulation. Mr. Garber said that other towns use regulations extensively but allowed that it is an unfamiliar approach for Bedford. He said the wording in the preamble of the draft notes that "This regulation shall be considered to be an interpretation and amplification of transportation-related provisions in the existing Zoning Bylaws of the Town of Bedford, as applied to Planning Board regulatory authority."

Mr. Siegenthaler replied that "a narrative discussion of the Planning Board's regulatory authority" would aid the effort. Ms. Hackman recommended a cover letter framing this point. Ms. Perry mentioned that regulations are usually brought into effect through a public hearing followed by a vote of the Board.

**NEW BUSINESS: Discussion on non-Planning Board Warrant Articles for Annual Town Meeting March 23**

Ms. Perry provided a list of Town Meeting warrant articles and a memo drawing attention to items of Planning interest, for the Board to consider. Several items were of note: **Article 9: Homerule Petition for Additional Alcoholic Beverage Licenses**; **Article 13: Proposed FY16 Capital Projects Plan**, which is now set in a six year framework and includes items relating to space needs at the schools and elsewhere; and **Article 15: Community Preservation Budget**, which includes Phase I of the St. Michael's land athletic field, a replacement pedestrian bridge over the Elm Brook, and resurfacing the Narrow Gauge Trail from Great Road to Lane Fawn Lake/Lane School.

A discussion of Article 9—and a recap of the recent Selectmen's meeting in which they recommended approval of the article at Town Meeting—led to expressions of support from the Planning Board for an increased number of liquor licenses. Mr. Hanegan reported that all 14 currently available full-liquor licenses are already granted, leaving no more to award, although there are some remaining for beer and wine. Ken's Deli has asked for an upgrade from beer and wine to full-liquor but the request was denied in favor of new-to-town restaurant Red Heat Tavern. Potential restaurant or mixed-use development at Depot Square and North Road is likely to result in additional license applications. Bedford's State Representative Ken Gordon recommends that the Town apply for more licenses than it wants because the State usually approves fewer than requested.

Ms. Lloyd said the current liquor license quotas, based on population, are antiquated and were formulated before a time when people dined out frequently. Additionally, diners now generally expect to be able to order alcohol with their meals.

Mr. Hanegan agreed and reported that a recent attempt to update and liberalize the liquor license/population ratio failed to pass the State Legislature. He added that Bedford's calculation was initially based Bedford's nighttime population without regard for the population doubling with an influx of workers during the daytime.

*MOTION: Ms. Mustapich moved that the Planning Board support **Article 9: Homerule Petition for Additional Alcoholic Beverage Licenses** based on the goal of the Comprehensive Plan to create gathering spots within the community. Ms. Lloyd seconded. The motion passed unanimously, 5-0-0.*

It was agreed that Ms. Mustapich will read a statement at Town Meeting expressing this position.

As for other TM article statements, it was determined that Board members would be prepared to represent Board positions in the event that identified line items within the Community Preservation budget prove to be controversial.

*MOTION: Mr. Cohen moved that the Planning Board express support at Town Meeting in the event that holds are placed any of the following Community Preservation items: replacement of an old pedestrian bridge connecting the Washington Street neighborhood to the school/Town campus area and resurfacing of the Narrow Gauge Trail. Ms. Lloyd seconded. The motion passed unanimously, 5-0-0.*

Mr. Cohen will compose a statement in general support of improved pedestrian and bicycle connectivity that will be read in the event of a hold.

Mr. Cohen attended the recent Recreation Commission meeting and reported that “a change of approach” has taken place so that one—not two—athletic fields are now planned for the former St. Michael’s land. “I think it’s an important issue that speaks to the availability of fields and it will be interesting to see how it plays out,” he said. Mr. Hanegan will circulate information from Community Preservation Committee that speaks to this change of approach.

Mr. Cohen pointed to the space needs-related line items within the Capital article as being worthy of consideration for support as well. Ms. Perry said the Schools’ feasibility study aligns with the Comprehensive Plan goal of taking a long-range look at Capital investments.

Ms. Lloyd said that the Comprehensive Plan identifies many lead actors, depending on the action item, and the Planning Board need not comment on every item at TM that relates to the plan. Ms. Perry suggested that the remaining points can be included in the Planning Board’s update to Town Meeting on the Comprehensive Plan. Mr. Cohen said it is worth noting in the update that there are town-wide lead actors and that the Plan is a shared effort.

#### **STAFF REPORTS (verbal updates):**

##### **Development updates:**

- Ms. Perry said the Zoning Board of Appeals hearing on the 120 The Great Road restaurant project has again been continued to March 26. The applicant asked for the continuation due to Town Counsel feedback and perceived “deficiencies in the original application.” Parking for the business being located within the residential district is one of the biggest concerns. Ms. Hackman asked if the Board should take a position on this project. Other members were reluctant to do so at this time. Ms. Perry noted the project is currently within the ZBA’s jurisdiction and will come to the Planning Board if it proceeds to site plan review.

- There is nothing new to report on the Hartwell Ave./Beacon Street subdivision; a new subdivision application has not yet been submitted, although the applicants have asked the office for abutter lists.
- A 162 South Road project may be filed as a Planned Residential Development for cottage units. April 7<sup>th</sup> is tentatively scheduled for a preliminary discussion. To date, the developer has shown diligence in his approach to the project and has been marking wetlands. Mr. Garber commented that the developer's previous projects comply with the Stretch Code, are gold LEED certified, and "seem to have architectural merit." The target market for these units is empty-nesters and they will have 1<sup>st</sup> floor master bedrooms.
- The Planning staff has had a couple of meetings with developers of the Crosby Drive Corporate Center who are looking to upgrade: architectural improvements, parking, possibly a hotel. This project would be under the new industrial mixed-use special permitting process. The developers want to meet collectively with staff from Planning, Conservation Commission, and Code Enforcement so permitting can be expedited.
- The redevelopment plan of the former Country Store at 15 Fletcher Street would place a residential unit on the second floor and retail on the street level. The applicant is expected to apply for a minor amendment to the Blake Block special permit; no application has yet been received.
- An engineer for a new subdivision on North Road will meet with staff next Tuesday. This may be turn out to be a cluster development rather than a conventional one.
- Ms. Sandoval has reported another potential Crosby Drive campus redevelopment project in the wings but staff has yet to be contacted about it.
- A new potential tenant for building A of the Bedford Marketplace is Learning Express, an upscale toy store. Mr. Cohen learned at a ZBA meeting that Café Luigi's will not renew its lease in the plaza because it "doesn't want to be in a shopping center." He speculated that the outcome of the 120 Great Road project might affect this decision.
- The Carleton-Willard proposal to build 10 additional independent-living cottage units depends on achieving zoning adjustments. A meeting was held with staff to discuss the process, which would be aimed at Fall Town Meeting. It will be beneficial to review the idea informally soon, and the Board may be asked if it will sponsor the zoning amendment.

#### Other staff reports:

- The staff has met with the potential Westfield State intern to discuss a scope of services for unpaid work. Some of the tasks he might undertake are routine and some more challenging. He would work remotely.
- Ms. Perry met with the General Services Administration's property appraiser about the Pine Hill Road site. The GSA's appraisal is overdue. Mr. Garber said that once the appraisal is settled, "the RFP can hit the streets." It will take "a good couple of months" to review developers' proposals. Probably by the summer, the developers will come to the Board with zoning questions "unless they go the straight 40B route to exempt themselves from all of this," Mr. Garber said.
- Staff has begun reviewing progress on Comprehensive Plan implementation. Mr. Garber noted that, in under a year, progress has been made - some because it has been initiated by Planning, and some by "happy coincidence." The report for Town Meeting about the CP status will not be

elaborate but will pull out highlights, paraphrase some of the action items and add short descriptive paragraphs. Once a draft is done, staff will share it with the Board for feedback.

It was agreed that Ms. Hackman will present the CP update at Town Meeting. She said the Comprehensive Plan “affects everything the town does.”

- The Massachusetts Attorney General has approved the two zoning bylaw amendments from Fall 2014 Town Meeting; a copy of the approval letter is included in the Board’s packets.

The Board welcomed this news.

- Ms. Perry said she has also included in the Board’s packets an article giving an update on MassDOT’s proposed Complete Streets program. To apply for certification, the Town must await guidance.

Ms. Hackman noted the seven components that will be required under this program are already known: *(i) file an application, (ii) adopt a complete streets by-law, ordinance or administrative policy with at least 1 public hearing, (iii) confirm the accuracy of the baseline inventory of pedestrian and bicycle accommodations in order to identify priority projects, (iv) develop procedures to follow when conducting municipal road repairs, upgrades or expansion on public rights-of-way in order to incorporate complete streets elements, (v) establish a review process for all private development proposals in order to ensure complete streets components are incorporated, (vi) set a municipal goal for an increased mode share for walking, cycling and public transportation, where applicable, to be met within 5 years, and develop a program to reach that goal, and (vii) submit an annual progress report.*

Ms. Hackman pointed out that the workload to qualify under a similar initiative—the Green Communities Act—was significant. Ms. Lloyd said the baseline inventory by itself represented a lot of work.

Mr. Garber said the Transportation Advisory Committee could be best positioned to take the lead on Complete Streets. Ms. Perry said there is already a substantial amount of information available for the inventory from the GIS system. Mr. Siegenthaler said the Pavement Management evaluation would also add useful information. He explained that although the Selectmen have not had lot of discussion about Complete Streets, they have directed the DPW to include the condition of sidewalks when assessing roads. The Planning Board noted that it is not clear what, if any, incentives the DOT will offer for becoming a Complete Streets community. It was agreed that the Selectmen would be the Board to decide if and how to pursue Complete Streets designation.

#### Board Liaison Reports:

##### Coast Guard Housing Site

Ms. Mustapich reported that the Municipal Housing Trust recently met in executive session to review the Town’s appraisal of the Pine Hill property. They hope to have the GSA appraisal by the end of the month. Town Counsel, a staff member and one or two Selectmen would negotiate the transaction for the Town.

Adding to that, Mr. Cohen said the ZBA met with Town Manager Reed and Assistant Manager Porter about the Pine Hill RFP, expressing the opinion that the language of the document should include reference to “empty nesters” or establishing a quota for current townspeople. In response to that, other concerns were raised that too many stipulations might dissuade developers submitting a proposal. The



ZBA wants to have a clear understanding of what the Town wants if it is approached with a 40B application for the property. Mr. Cohen spoke to the matter of knee-jerk reaction to the idea of 40B, noting there are also “friendly 40B’s.”

Ms. Mustapich said discussions took place at both the Municipal Trust and Housing Partnership to address ZBA concerns. The housing groups also considered the legal definition of “senior” vs “elderly” and emphasized that the development should be multigenerational rather than limited to one age group.

#### MAGIC Legislative Breakfast

Ms. Lloyd attended the MAGIC legislative breakfast at which transportation was one main topic of discussion. MAGIC distributed a handout to the legislators listing its 5 legislative “Top Priorities” which includes Zoning Reform, although a pending zoning reform bill effort was characterized as “significantly pared down.”

Ms. Hackman commented that zoning reform had been narrowed in an effort to just “get something passed.” She added that Senator Barrett supported reform. Mr. Garber said it would be helpful if excessive grandfathering and Approvals Not Required [ANRs] were eliminated. “Just these two alone make Massachusetts unique in the country,” Mr. Garber said. “These are the non-negotiables for the real estate community,” Ms. Hackman replied. Mr. Garber agreed. “Why ruin a good thing? That’s why they opposed it.”

#### Recreation Commission

Mr. Cohen attended the Rec Commission meeting and reported that Springs Brook Park is scheduled to open “on track in the same capacity as last summer,” although the facility will not be open on weekends this year. A plan to study the long term options for the Park is in the wings. “They’re still having the same issues as they’ve been having over the recent years. I think they want to get a firm handle on what can be done,” Mr. Cohen said.

Mr. Garber asked if the study effort intersected/overlapped with the notion of installing a pool at the Park. Mr. Cohen replied that it may include such a plan, although he senses the main thrust is to see what can be done with the current facility as it is and where efforts should be focused. Mr. Hanegan said he has discussed the status of the Park with Rec Commissioner Robin Steele who says the Commission has tried very hard to solve the water clarity problems. “Now it seems like the idea is to go to something else and I have heard the word ‘pool’ mentioned. They are really looking at a lot of different options.”

Mr. Cohen also reported that the July 4<sup>th</sup> fireworks are in doubt because neither the VA nor Hanscom can host them this year. The usual area used for fireworks at the VA is expected to be under construction by that time for additional veterans’ housing. Ms. Siegenthaler said there is “reasonable potential” the event might take place in the center of town.

Mr. Cohen said that Rec has been having a hard time staffing Kids’ Club due to comparatively low wages. Enrollment is up but space constraints at Town Center leave the program feeling pinched.

**MINUTES:** *MOTION:* Ms. Mustapich moved that the minutes of February 17, 2015 be accepted as amended. Ms. Hackman seconded. The motion passed unanimously, 5-0-0.

Board reorganization will take place at the next meeting, March 17, following Town elections. The Town Meeting report will also be discussed.

Noting that this is the last meeting he will chair, Mr. Hanegan was thanked and recognized for his able leadership during the past year.

**ADJOURNMENT:** *MOTION: Ms. Mustapich moved that the meeting be adjourned at 9:30. Ms. Lloyd seconded. The motion was carried unanimously, 5-0-0.*

Respectfully submitted,

Kim Siebert, Acting Recording Secretary

Approved as amended, March 17, 2015